

UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 0:04-CV-190-FJ

ALBERT GAMBLIN,

Plaintiff,

v.

JOHN E. POTTER,
POSTMASTER GENERAL,
U.S. POSTAL SERVICE,
Defendant.

COMPLAINT
EMPLOYMENT DISCRIMINATION

FIRST CAUSE OF ACTION, FEDERAL DISCRIMINATION

NOW COMES PLAINTIFF, complaining of the Defendant, alleging and saying the following:

1. Jurisdiction is founded on Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq., and 29 C.F.R. 1614.408.
2. The Plaintiff is employed with the Defendant.
3. Plaintiff worked as a Distribution Window and Mark-up clerk (job sequence 2340-80X) at the Jacksonville Post Office in Jacksonville, NC.
4. He entered duty with the Defendant on 27 May 1995.
5. Prior to the discrimination, Plaintiff worked from 6:30 a.m. to 3:00 p.m., with Sunday and Thursday as his non-scheduled day.
6. On October 24, 2002 Plaintiff was notified that he was being temporarily detailed to Kinston, NC, effective 2 November 2002, as a mail processing clerk.

7. Upon receipt of the notification letter, Plaintiff contacted his Supervisor and requested that the Defendant change his schedule.

8. Defendant denied Plaintiff's request.

9. Defendant informed Plaintiff that only the Charlotte office could make changes in the schedule.

10. Subsequently, a White female co-worker was given a schedule change, by Plaintiff's Supervisors at the Jacksonville Post Office, before reporting to the Kinston Post Office.

11. On November 1, 2002, Supervisors at the Jacksonville Post Office changed the schedule of a White male co-worker.

12. Plaintiff has been discriminated against because of his race.

13. Plaintiff's race is Black; he is of African American decent.

SECOND CAUSE, STATE DISCRIMINATION

14. Paragraphs 1 through 13 are hereby incorporated by reference.

15. The State of North Carolina forbids employment discrimination based on race.

16. The Defendant's employment discrimination violated the laws of the State of North Carolina.

WHEREFORE, Plaintiff requests the following relief:

1. The maximum compensatory damages allowed under Title VII.
2. Trial by jury.
3. Attorney's fees.
4. That this verified complaint be admitted in any hearing in this cause.

5. For such other just relief.

This the 17th day of September 2004.

A handwritten signature in black ink, appearing to read "Jerome Willingham", is written over a horizontal line.

N. Jerome Willingham

410 New Bridge Street, Suite 3

Jacksonville, NC 28540

Phone: 910.347.3220

Fax: 910.346.5863

E-mail: jeromewillingham@lawyer.com

NC Bar ID: 17211

UNITED STATES DISTRICT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO.

ALBERT GAMBLIN,

Plaintiff,

v.
JOHN E. POTTER,
POSTMASTER GENERAL,
U.S. POSTAL SERVICE,
Defendant.

Verification

I, **ALBERT GAMBLIN**, do hereby verify under oath that I am the Plaintiff in this action; that I have read my COMPLAINT; that the contents are true to the best of my knowledge; and as to the statements made on information and belief, I believe them to be true.



ALBERT GAMBLIN

Sworn and subscribed before me this 17TH day of SEPTEMBER 2004.



Notary Public

My commission expires: *July 19, 2005*

